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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,982

08/28/2006

Ikuo Mimura

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10/20/2008

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EXAMINER

HIGGINS, GERARD T

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

10/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,982	Applicant(s) MIMURA, IKUO	
	Examiner GERARD T. HIGGINS	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/07/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because of reference characters:

- a. **"21," "1," and "31"**
- b. **"22" and "4"**
- c. **"6," "27," and "28"**
- d. **"3," "24," and "33"**
- e. **"5," "23," and "37"**
- f. **"26" and "39"**
- g. **"2" and "32"**
- h. **"11" and "34"**
- i. **"13" and "35"**
- j. **"16" and "36"**

These reference characters have all been used to designate the same respective parts. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

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drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **14** and **16** are not in Figure 1 as is stated at page 17, lines 8-16 of applicant's specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because applicant states that a “specular reflective layer is installed **on** the reflective resin sheet;” however, this is incorrect and confusing as applicant’s drawings and specification suggest otherwise. Please see Figures 3 and 4 and page 9, lines 2-11 of applicant’s specification.

Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

a. On page 1, line 5 of the specification the title “Technical Filed” appears to be incorrect.

b. There is confusion throughout the specification whether the specular reflective layer is **on** or **in** the light-reflective resin sheet. Please compare for example page 6, lines 12-14 with page 9, lines 2-11 or Figures 2 and 3. Please note this problem is not limited to the two section mentioned. Based upon the Figures the Examiner assumes applicant meant to state that the specular reflective layer is **in** the light-reflective resin sheet.

c. The sentence at page 13, line 35 to page 14, line 4 is awkward.

Appropriate correction is required.

Claim Objections

6. Claims 1, 4, 5, and 9 are objected to because of the following informalities:

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a. With regard to claims 1, 4, and 9, please see section 5a above with regard to the difference between ***on*** and ***in*** with the specular reflective layer.

b. In claim 5, please remove the parenthesis surrounding all of the necessary limitations. The location of the parenthesis suggests that the limitations are optional. Please note that (-H), (-CH₃), (-CN), etc. are a proper usage of parenthesis in this claim.

c. With further regard to claim 5, the phrases “according to following formulae” or “according to following formula” are awkward. Perhaps applicant meant to say “according to formulae” or “according to formula.”

Appropriate correction is required.

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the subject matter of claim 9 is not properly supported in the specification; specifically, the fact that the specular reflective layer is acting as said communication antenna.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the reflective resin sheet" in ninth line of the claim. There is insufficient antecedent basis for this limitation in the claim. Perhaps applicant meant "the light-reflective resin sheet."

With regard to claim 2, the term "micro glass beads-type" renders the claim indefinite. It is unclear what other items are to be considered of glass beads-type; furthermore, the term "micro" renders the claim indefinite as it is unclear what sizes applicant is intending with the term micro.

With further regard to claim 2, applicant states that a specular reflective layer is installed "on at least a part of **lower surfaces**" of the micro glass beads. This phrase renders the claim indefinite because the location of a lower or upper surface has not been established; further, it is unclear how there is more than one lower surface.

With even further regard to claim 2, applicant attempts to claim that the specular reflective layer is installed via "a destructive layer;" however, a destructive layer has already been established in claim 1. It is unclear whether this is an additional destructive layer or the same destructive layer as seen in claim 1.

With regard to claim 4, the terms "partially installed" and "partially broken" are relative terms which render the claim indefinite. The terms "partially installed" and "partially broken" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would

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not be reasonably apprised of the scope of the invention. It is unclear why the destructive layer is only partially installed, the device of Figure 2, for example, appears to be a completed device. With regard to partially broken, it is unclear how much breakage is necessary for the specular reflective layer to be partially broken.

With regard to claim 5, the phrase “according to following formulae 1a, 1b, **and** 1c” renders the claim indefinite. It is unclear whether the resin is a copolymer of all three monomer units or if it can be a resin selected from any of the individual monomer units.

With regard to claim 6, applicant attempts to claim that “said auxiliary substrate is mechanically fixed on **an** installation substrate;” however, an installation substrate has already been established in claim 1. It is unclear whether this is an additional installation substrate or the same installation substrate as seen in claim 1.

With regard to claim 7, the term “passive type RFID” renders the claim indefinite. It is unclear what other items are to be considered of passive type RFID.

Claim 7 recites the limitation “the back of the display device” in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim. The front or back surfaces of the display device has not been established.

Claim 8 recites the limitations “the region of the specular reflective layer” and “the region of the light-reflective resin sheet” in second and third lines of the claim. There is insufficient antecedent basis for these limitations in the claim.

Claim 8 recites the limitation “the communication antenna” in third and fourth line of the claim. There is insufficient antecedent basis for this limitation in the claim.

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Perhaps applicant meant "the active or passive RFID device equipped with a communication antenna."

With regard to claim 8, the term "partially removed" is a relative term which renders the claim indefinite. The term "partially removed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear how much the specular reflective layer needs to be removed in order to impart any ability.

With further regard to claims 8, it is unclear how the removal of the specular reflective layer "imparts radio wave transmitting ability." The non-existence of material cannot provide any ability. For the purposes of examination, the Examiner will treat this claim as if it said the specular reflective layer is removed in the place where the RFID antenna is to be installed.

With regard to claim 9, the term "partially installed" is a relative term which renders the claim indefinite. The term "partially installed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear how much the specular reflective layer needs to be installed. Please see the explanation with regard to claim 4 above.

Claim 9 recites the limitation "said RFID communication antenna" in the third and fourth line of the claim. There is insufficient antecedent basis for this limitation in the

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claim. Perhaps applicant meant "said RFID device equipped with a communication antenna."

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hingsen-Gehrmann et al. (US 2002/0142121).

With regard to claim 1, Hingsen-Gehrmann et al. disclose the devices of Figures 1, 2, and 5.

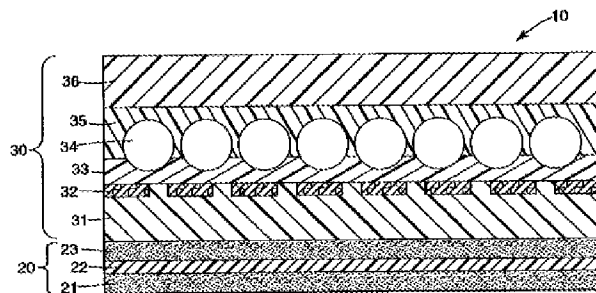


Fig. 1

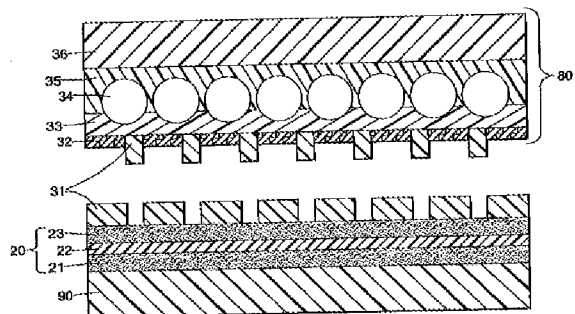


Fig. 2

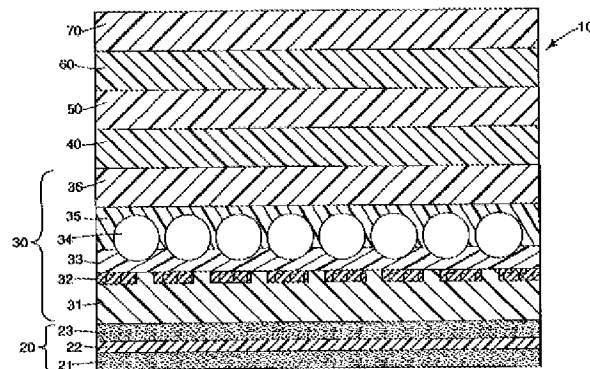


Fig. 5

The device is comprised of a surface protective **70**, an information display layer **60**, a light-reflective resin sheet **30**, and a substrate adhesive layer **20** [0034]-[0052], [0069] and [0079]. There is a specular reflective layer **31** that is apart of the light-reflective resin sheet **30** that has a destructive layer **32** installed on one side thereof, and the device is installed on an installation substrate **90** via the substrate adhesive layer; further, when the device is tampered with it results in the structure seen in Figure 2 [0072]. There is a destructive effect wherein separation takes place between the destructive layer and one of the other layers constituting the light-reflective resin sheet.

With regard to claim 4, as one can see from Figure 2 the destructive layer is partially installed in the light-reflective resin sheet, and also the specular reflective layer is partially broken and remains on the installation substrate.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hingsen-Gehrmann et al. (US 2002/0142121), as applied to claim 1 in view of Mimura (WO 02/103629), wherein the national stage application US 2004/218273 will be used as a direct English translation.

Hingsen-Gehrmann et al. disclose all of the limitations of applicant's claim 1 in section 11 above, including disclosing glass micro beads in the light-reflective resin sheet **34** [0055]; however they fail to disclose a focusing layer in between a specular reflective layer and said glass micro beads. They also fail to disclose an embodiment wherein the light-reflective resin sheet is a microprismatic retroreflective sheeting layer formed of microprisms and a specular reflective layer installed on the reflective side faces of the microspheres.

Mimura disclose cube-corner prismatic retroreflective elements in a light reflective resin sheet [0028] to [0030]. Mimura also discloses enclosing micro glass beads in a thin film resin layer "for adjusting their focal distance where necessary" [0032]. This is a focusing layer.

Since Hingsen-Gehrmann et al. and Mimura are both drawn to display devices using retroreflective sheets; it would have been obvious to one having ordinary skill in the art at the time the invention was made to add in a focusing layer as taught by Mimura into the device of Hingsen-Gehrmann et al. such that one could properly tune

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the focal length to arrive at a display device that would properly reflect light back at the correct angle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cube-corner prismatic retroreflective elements of Mimura in place of the glass beads in the light reflective resin sheet of Hingsen-Gehrmann et al. The results of these substitutions would have been predictable to one having ordinary skill; further, the elements are known equivalents and would perform predictably.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hingsen-Gehrmann et al. (US 2002/0142121), as applied to claim 4, in view of Yamamoto et al. (US 2002/0036359).

Hingsen-Gehrmann et al. disclose all of the limitations of applicant's claim 4 in section 11 above, including stating that their destructive layer is made of polyesters; however, they fail to disclose the polymer resins of claim 5.

Yamamoto et al. disclose that resins based on cyclopentane ring residues and polyester resins are exchangeable in optical articles [0025] to [0035]. They state that the residues are known for toughness and transparency, both important qualities for optical articles [0026] and [0033]. The hydrocarbon based residues has a small optical anisotropic effect [0042]. One of ordinary skill would recognize that all of these effects would be crucial in retroreflective display articles.

Since Hingsen-Gehrmann et al. and Yamamoto et al. are both drawn to optical articles; it would have been obvious to one having ordinary skill in the art at the time the

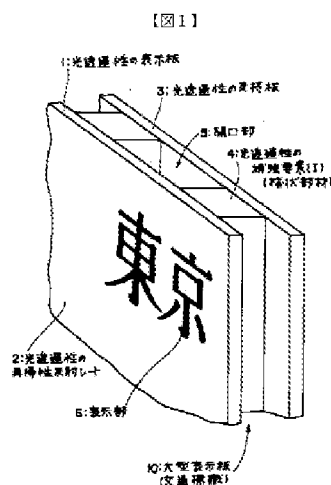
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invention was made to substitute the hydrocarbon based resins such as cyclopentane, norborene, or adamantane of Yamamoto et al. for the polyester based resins of Hingsen-Gehrmann et al. The motivation for doing so would be to result in an optical article in excellent transparency, toughness, and small optical anisotropic effects.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hingsen-Gehrmann et al. (US 2002/0142121), as applied to claim 4, in view of Yamamoto et al. (US 2002/0036359), as applied to claim 5, and further in view of Shimizu (JP 10-055147).

Hingsen-Gehrmann et al. in view of Yamamoto et al. disclose all of the limitations of applicant's claim 5 in section 14 above; however, they fail to disclose the auxiliary substrate between the display device and an installation substrate.

Shimizu discloses an auxiliary substrate **4** between the display device **1** and the installation substrate **3**. Please see Figure 1, Abstract, and [0021].



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The auxiliary substrate can be mechanically fixed on the installation substrate [0021]; further, one of ordinary skill would understand this to be inherent in the reference, otherwise the sign would fall to the ground.

Since Hingsen-Gehrmann et al. in view of Yamamoto et al. and Shimizu are drawn to display devices; it would have been obvious to one having ordinary skill in the art at the time the invention was made to adhere the display device of Hingsen-Gehrmann et al. in view of Yamamoto et al. onto the auxiliary substrate of Shimizu. The motivation for doing so would be that one could then create a display device that was as thin and reflective as possible, while maintaining an overall display structure that had weatherability and rigidity.

16. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hingsen-Gehrmann et al. (US 2002/0142121), as applied to claim 4, in view of Yamamoto et al. (US 2002/0036359), as applied to claim 5, further in view of Shimizu (JP 10-055147) as applied to claim 6 above, and further in view of Mimura (WO 02/103629), wherein the national stage application US 2004/218273 will be used as a direct English translation.

Hingsen-Gehrmann et al. in view of Yamamoto et al. and further in view of Shimizu disclose all of the limitations of applicant's claim 6 in section 15 above; however, they fail to disclose the RFID communication device and antenna installed on the back of the display device; specifically, wherein a section of the specular reflective layer is removed in order to install said RFID communication device and antenna. They

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also fail to disclose a situation wherein the specular reflective is partially installed in order to form the communication device.

Mimura disclose a RFID communication device with an antenna attached to the back of the display device at [0102] to [0109]; further, they disclose removing a portion of the specular reflective layer in order to improve the sensitivity of the antenna/communication device [0108] to [0109]. Mimura also discloses a situation wherein the specular reflective layer is formed as the antenna itself [0107].

Hingsen-Gehrmann et al., Yamamoto et al., Shimizu, and Mimura are all drawn to optical display media; it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine in the RFID communication device onto the back of the display device of Hingsen-Gehrmann et al. in view of Yamamoto et al. and further in view of Shimizu. The results would have been completely predictable to one having ordinary skill; specifically, it would prevent identity thefts, wherein thieves use the RFID to pay tolls illegally.

With regard to the intended use limitation that "when the display device is peeled off from the installation substrate, the specular reflective layer is broken and loses its antenna function," intended use limitations are not dispositive of patentability. The device of Hingsen-Gehrmann et al. in view of Yamamoto et al. further in view of Shimizu and further in view of Mimura disclose a display device identical to that claimed, and therefore the Examiner deems it capable of performing the intended use.

Double Patenting

17. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 4, and 5 are directed to an invention not patentably distinct from claims 1-5 and 8-10 of commonly assigned Application No. 10/569,869. Specifically, see section 18 below.

The U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP Chapter 2300). Commonly assigned Application No. 10/569,869, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this

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application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g), or 35 U.S.C. 102(e) for applications pending on or after December 10, 2004.

18. Claims 1, 2, 4, and 5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 and 8-10 of copending Application No. 10/569,869. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are both related to a retroreflective display device that is comprised of a surface protective layer, a substrate-adhesive layer, and a light-reflective resin sheet (retroreflective element). The destructive layer is installed in between the specular reflective layer and micro glass beads (focusing layer) of the retroreflective element. The resins that comprise the destructive layer overlap. When the device is peeled from a substrate it will peel such that the specular reflective layer remains on the substrate; however, the copending application fails to disclose an information display layer and an installation substrate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place an information display layer in the retroreflective sheeting

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because that is one of the ultimate purposes behind retroreflective sheeting. One of ordinary skill would understand that retroreflective sheeting makes street signs visible at long distances, and therefore it would be obvious to include street signs with indicia.

It would have also been obvious to install this retroreflective sheeting of the copending claims onto a substrate such as a street size installation substrate as one of ordinary skill would understand the usage of said retroreflective sheeting for this end use. Retroreflective sheeting allows users to see indicia on said sheeting at long distances.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

19. Claims 1, 2, 4, and 5 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/569,869 which has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Please see section 18 above for the rationale behind this rejection.

This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S.

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filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner has cited an additional patent regarding the types of alicyclic resins useful in optical devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-F 9:30am-7pm est. (1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerard T Higgins, Ph.D.
Examiner
Art Unit 1794

/Gerard T Higgins, Ph.D./
Examiner, Art Unit 1794

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794